

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY**

**IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES
PRACTICES, AND PRODUCTS
LIABILITY LITIGATION**

MDL No. 2738 (FLW) (LHG)

SPECIAL MASTER ORDER NO. 9

The Special Master (“SM”) being desirous of bringing the parties’ privilege dispute to an end; and the SM being interested in fashioning the most efficient and effective procedure to reach this result; and the parties having advised the SM that they will abide by the SM’s Opinion and Order No. 5 and Order No. 8; and the SM finding good cause to enter this Order; and accordingly,

IT IS HEREBY ORDERED this 24th day of August, 2021, as follows:

1. By August 27, 2021, defendants shall produce the documents for which their privilege assertions were overruled.
2. As to the first one-half (1/2) of the remaining approximate 3,600 documents on defendants’ privilege log challenged by plaintiffs, by September 20, 2021, defendants shall review the documents and produce the documents for which their privilege assertions were overruled. As to those documents that defendants believe are privileged, they shall be submitted to the SM for its in camera review by September 20, 2021. The SM will thereafter determine which documents are plainly privileged without additional evidentiary support. As to the other documents, defendants will be given an opportunity to support their privilege assertions. No allegedly privileged document will be produced without giving defendants an opportunity to provide evidentiary support for their privilege assertion. Before the SM issues any ruling, plaintiffs will be given an opportunity to challenge defendants’ arguments.
3. By October 4, 2021, the remaining one-half (1/2) of the approximate 3,600 documents shall be reviewed and defendants shall produce the documents for which their privilege assertions were overruled. As to those documents that defendants believe are privileged, they shall be submitted to the SM for its in camera review by October 4, 2021. Thereafter the same procedure as set forth in paragraph 2 will be followed.

4. As to the first one-half (1/2) of defendants' redacted documents, plaintiffs shall identify the redactions they challenge by September 20, 2021. The challenged redactions shall be submitted to the SM for its in camera review by September 27, 2021. Defendants shall identify on an unredacted copy of each challenged document the portions that have been redacted. Thereafter the same procedure as set forth in paragraph 2 will be followed.
5. As to the remaining one-half (1/2) of defendants' redacted documents, plaintiffs shall identify the redactions they challenge by October 4, 2021. The challenged redactions shall be submitted to the SM for its in camera review by October 11, 2021. Thereafter the same procedure as set forth in paragraph 2 will be followed.
6. The SM will hold oral argument by Zoom on September 27, 2021 at 10:00 a.m. to address the parties' dispute regarding plaintiffs' Fed.R.Civ.P. 30(b)(6) deposition notices.

Dated: August 24, 2021

By: /s/ Joel Schneider
SPECIAL MASTER
HON. JOEL SCHNEIDER (RET.)